



530 Rec'd PCT 00 08 JUL 2002 *act*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: DEX-0146
Inventors: Yang et al.
Serial No.: 09/762,028
Filing Date: July 19, 1999
Examiner: Not yet assigned
Group Art Unit: Not yet assigned
Title: A Novel Method of Diagnosing,
Monitoring, Staging, Imaging and
Treating Lung Cancer

"Express Mail" Label No. EV 151144885 US
Date of Deposit - July 8, 2002

I hereby certify that this paper is being deposited with
the United States Postal Service "Express Mail Post Office
to Addressee" service under 37 CFR 1.10 on the date
indicated above and is addressed to the U.S. Patent and
Trademark Office, Box Sequence, P.O. Box 2327
Arlington, VA 22202

By

Kathleen A. Tyrrell
Typed Name: Kathleen A. Tyrrell

Assistant Commissioner for Patents
BOX Sequence
United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

In response to the "Notification of Defective Response"
dated **June 7, 2002**, a response to which is due **July 7, 2002**,
enclosed herewith is:

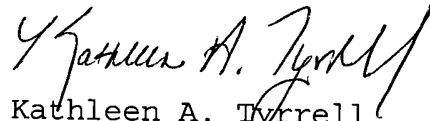
(XX) Amendment under 1.825;

MB

- (XX) Statement to Support Filing and Submission in Accordance with 37 CFR §§1.821 through 1.825;
- (XX) Substitute pages of the Sequence Listing;
- (XX) Substitute copy of the computer readable form of Sequence Listing;
- (XX) Copy of Notification of Defective Response;
- () Petition for Three (3) Month Extension of Time;
- () Other:_____.

The Commissioner is hereby authorized to charge any underpayment associated with this communication or credit any overpayment to Deposit Account No. 50-1619. This sheet is attached in duplicate.

Respectfully submitted,



Kathleen A. Tyrrell
Registration No. 38,350

Date: July 8, 2002

Licata & Tyrrell P.C.
66 E. Main Street
Marlton, New Jersey 08053

(856) 810-1515



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By Kathleen A. Tyrrell
Typed Name: Kathleen A. Tyrrell

Assistant Commissioner for Patents
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United States Patent and Trademark Office
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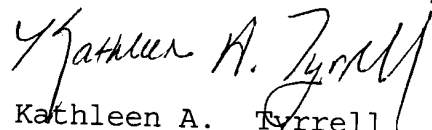
Dear Sir:

**STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE
WITH 37 CFR §§ 1.821 THROUGH 1.825**

- () I hereby state, in accordance with the requirements of 37
C.F.R. §1.821(f), that the contents of the paper and
computer readable copies of the Sequence Listing, submitted
in accordance with 37 CFR §1.821(c) and (e), respectively
are the same.

- () I hereby state that the submission filed in accordance with **37 CFR §1.821(g)** does not include new matter.
- () I hereby state that the submission filed in accordance with **37 CFR §1.821(h)** does not include new matter or go beyond the disclosure in the international application as filed.
- (XX) I hereby state that the amendments, made in accordance with **37 CFR §1.825(a)**, included in the substitute sheet(s) of the Sequence Listing were made to conform to the current Sequence Listing Rules. I hereby state that the substitute sheet(s) of the Sequence Listing does not include new matter.
- (XX) I hereby state that the substitute copy of the computer readable form, submitted in accordance with **37 CFR §1.825(b)**, is the same as the amended Sequence Listing submitted herewith.
- () I hereby state that the substitute copy of the computer readable form, submitted in accordance with **37 CFR §1.825(d)**, contains identical data to that originally filed.

Respectfully submitted,

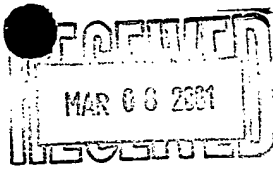


Kathleen A. Tyrrell
Registration No. 38,350

Date: **July 8, 2002**

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/762028	YANG	F DEX-0146

LICATA & TYRRELL
66 E MAIN STREET
MARLTON, NJ 08053

INTERNATIONAL APPLICATION NO.	
PCT/US99/16247	
I.A. FILING DATE	PRIORITY DATE
19 JUL 99	04 AUG 98
DATE MAILED: 05 MAR 2001	

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
- ☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
 - ☐ a non-English language.
 - ☒ English.
- ☐ Translation of the international application into English.
- ☐ Oath or Declaration of inventors(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☒ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☐ Preliminary amendment(s) filed _____ and _____
- ☒ Information Disclosure Statement(s) filed 01 FEB 01 and _____
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed _____
- ☒ Verified Statement Claiming Small Entity Status.
- ☐ Priority Document.
- ☒ Copy of the International Search Report ☐ and copies of the references cited therein.
- ☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
 - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed:

☐ PCT/DO/EO/917 ☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

COTTMAN, DARRELL C.

Telephone: 703-305-3693